IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22264 of 2004

Between:

N. Linga Reddy, S/o. Somi Reddy, Hindu,
APSRTC, Nalgonda Depot, at Nalgonda.

..... PETITIONER

AND

The Regional Manager, APSRTC, Nalgonda Region at Nalgonda.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue to a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in transferring the petitioner from Nalgonda APSRTC Bus Depot to Kodad Bus Depot as bad, arbitrary, illegal, unjust and unreasonable and contrary to the circulars by setting aside the transfer order of the respondent issued in proc. NO. P3/813(02)04-RM-N Dated 25-11-2004.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent : MR.V.T.M.PRASAD

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 22264 of 2004

O R D E R:

The present writ petition is filed seeking to set aside the transfer order of the respondent in Proc.No.P3/813 (02)/04-RM-N dated 25.11.2004.

Learned counsel for the petitioner contended that at the request of the petitioner the petitioner was transferred from Kodad to Nalgonda and before completion of his term he was again transferred within one year to Kodada. He further contended that it will cause great inconvenience to the children of the petitioner because of transfer in the middle of the year and that as per the circular instructions no transfer will be effected between March and 10th May. Therefore, the impugned order suffers from serious infirmities.

Learned counsel for the respondent contended that as there was an excess requirement at the present station the petitioner and another person were transferred to Kodad and therefore the order under challenge does not suffer from any legal infirmities so as to call for interference by this court.

There cannot be any dispute that the transfer is not only an incidence of service but also one of the service conditions. Unless the transfer is affected by mala fides, such a transfer, once made on administrative grounds, cannot be interfered with. As seen from the impugned proceedings, as there was excess staff than the requirement at the present place of the petitioner, he was transferred to Kodad. No mala fides are attributed against the respondent. The circular instructions do not confer any right on the petitioner so as to retain him at a particular place.

Since the order under challenge does not suffer from any legal infirmities, the impugned proceedings need not be quashed. The writ petition is accordingly dismissed at the stage of admission.

K.C. Bhanu, J.

Date: 02—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, APSRTC, Nalgonda Region at Nalgonda.

2. 2CD copies